

REMARKS

Reconsideration of the present application is respectfully requested.

Prior to this Response, Claims 1-3 and 5-8 were pending in the application. In the Office Action, the Examiner rejected Claim 8 twice under 35 U.S.C. §112, 1st paragraph, for a lack of written description and also a failure to comply with the enablement requirement. The Examiner rejected Claim 8 under 35 U.S.C. §112, second paragraph, for indefiniteness. The Examiner rejected Claims 1, 3, 5-6 and 8 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,528,285 to *Morikawa et al.* (hereinafter *Morikawa*) in view of U.S. Patent No. 6,073,034 to *Jacobsen et al.* (hereinafter *Jacobsen*). The Examiner rejected Claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Morikawa* in view of *Jacobsen*, and further in view of U.S. Publication No. 2004/0239880 to *Kapellner et al.* (hereinafter *Kapellner*). The Examiner rejected Claim 7 under 35 U.S.C. §103(a) as being unpatentable over *Morikawa* in view of *Jacobsen*, and further in view of U.S. Publication No. 2004/0110544 to *Oyagi et al.* (hereinafter *Oyagi*).

Please amend Claim 1, as shown herein. Please cancel Claims 5 and 8. No new matter has been added.

Regarding the first §112, 1st paragraph rejection of Claim 8, the Examiner alleged a lack of written description for the recitation “only a rear section of the lower portion of the cradle housing is retractable within and protractible out from the desk-top housing” in Claim 8. In response, Claim 8 has been cancelled, as set forth above, and the “only a rear section...” recitation from cancelled Claim 8 has been inserted into Claim 1. Additionally, the word “only” has been deleted from the recitation at issue, in order to overcome the rejection. In view of this amendment as well as the statements in the Examiner’s rejection, it is respectfully submitted that the §112, first paragraph rejection has been cured, and should be withdrawn. Withdrawal of the same is respectfully requested.

Regarding the second §112, 1st paragraph rejection of Claim 8, the Examiner alleged a lack of enablement in the specification as to the “retractable within and protractible out from” recitation in Claim 1, in tandem with the “only a rear section is retractable within and protractible out...” recitation in Claim 8, which depends on Claim 1. It is respectfully submitted that the aforementioned amendment to the recitation of cancelled Claim 8 now inserted into Claim 1, cures this §112, 1st paragraph rejection. Withdrawal of the same is respectfully requested.

Regarding the §112, second paragraph rejection of Claim 8, the Examiner alleged a contradiction between Claim 1 and Claim 8, based on the “only” recitation discussed above. It is respectfully submitted that the aforementioned amendment to the recitation of cancelled Claim 8 now inserted into Claim 1, cures this §112, 2nd paragraph rejection. Withdrawal of the same is respectfully requested.

Regarding the rejection of Claims 1, 3, 5-6 and 8 under 35 U.S.C. §103(a), Applicants respectfully traverse. In particular, the Examiner concedes the following: “*Morikawa* lacks teaching of a retractable and protractible optical system.” To make up for this deficiency, the Examiner cites *Jacobsen*, which he alleges teaches an optical system (306) mounted within a cradle housing (286) and emitting a beam in a predetermined direction wherein the beam projects information from the portable terminal cradled within the cradle housing. However, it is respectfully asserted that *Jacobsen*, along with the Examiner’s allegation, are flawed in several facets. First, in FIG. 10A, the “optical system (306)” cited by the Examiner is actually a display module with a display window (309), used as a viewfinder for a camera (see col. 13, ln. 66- col. 14, ln. 8). As such, the supposed optical system (306) definitely does not emit a beam in a predetermined direction, wherein the beam projects information from the portable terminal cradled within the cradle housing, as recited in Claim 1. Second, nowhere in the passage of *Jacobsen* cited by the Examiner, namely col. 12, lns. 32-35, is there taught any of the recitations in Claim 1 regarding the cradle housing and optical system mounted therein. The cited passage only discloses a lens (202) that can be viewed to enable viewing and voice transmission. Nevertheless, nowhere in *Jacobsen* as a whole is there taught these recitations from Claim 1. Third, the supposed optical system (306), which as discussed above is actually a viewfinder in *Jacobsen*, is not mounted within

a side of the lower portion of the cradle housing (286), as recited in Claim 1. Instead, *Jacobsen* teaches at the bottom of col. 13, that, “part of the base section houses a display module (306) having a display window (309)”. *Jacobsen* does not disclose that the base section is part of the element (286). Indeed, it appears that the two are separate. Therefore, the display module (306) is not within a side of the lower portion of the alleged cradle housing (286), as recited in Claim 1. In fact, it is respectfully asserted that the display module (306) is not mounted *anywhere* within the cradle housing (286). For at least the foregoing reasons, it is respectfully submitted that the rejection of Claims 1, 3, 5-6 and 8 under 35 U.S.C. §103(a) is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

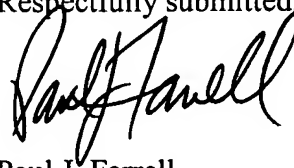
Regarding the rejection of Claim 2 under 35 U.S.C. §103(a), it is respectfully submitted that this rejection should be withdrawn at least in view of the foregoing arguments with respect to the rejection of Claims 1, 3, 5-6 and 8, and further, since *Kapellner* fails to cure the stated deficiencies in *Morikawa* and *Jacobsen*. Accordingly, withdrawal of this rejection is respectfully requested.

Regarding the rejection of Claim 7 under 35 U.S.C. §103(a), it is respectfully submitted that this rejection should be withdrawn at least in view of the foregoing arguments with respect to the rejection of Claims 1, 3, 5-6 and 8, and further, since *Oyagi* fails to cure the stated deficiencies in *Morikawa* and *Jacobsen*. Accordingly, withdrawal of this rejection is respectfully requested.

Based on the arguments presented above, it is respectfully submitted that independent Claim 1 is in condition for allowance. Without conceding the patentability per se of dependent Claims 2-3 and 6-7, they are likewise believed to be allowable by virtue of their dependence on Claim 1. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-3 and 6-7 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-3 and 6-7 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicants

DILWORTH & BARRESE, LLP

333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/RCC/dr